

Art Unit 2653
Serial No. 10/080,849

PATENT
Attorney Docket No.: K35A1056

REMARKS

This response, to the non-final Office Action mailed October 19, traverses all claim rejections but does not make any claim amendments.

Claims 15-54:

In the 19OCT05 Office Action, claims 15-54 were allowed. The reasons for allowance were authored unilaterally by the examiner and may be over inclusive or under inclusive. As such, they should not be considered as an admission by the applicant. Different or other reasons for allowance may be apparent from the record in this case.

Claims 1, 6, and 11:

Claims 1, 6, and 11 stand rejected under 35 USC §102(b) as being anticipated by Hatch et al. US patent 5,471,734 (hereinafter "Hatch"). Applicant hereby respectfully traverses these rejections.

Each of claims 1, 6, and 11 require a load beam surface "that faces and contacts" a second surface of a hinge.

In contrast, the load beam of Hatch does not disclose any load beam surface that "faces and contacts" a surface of a hinge. Hatch may disclose loadbeam and hinge regions of a single component having material continuity, but Hatch does not disclose any overlapping assembly of hinge and loadbeam sub-components, such that a surface of the loadbeam could "face and contact" a surface of the hinge. For example, the load beam 24 of Hatch simply does not have any surface that "faces and contacts" a surface of hinge 26.

Since Hatch does not disclose all of the elements of the rejected claims, the Hatch reference can not properly support a rejection of the claims under 35 USC §102(b). For at least

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this reason, applicant hereby respectfully requests that the rejections be withdrawn and that claims 1, 6, and 11 be allowed.

Claims 2, 3, 7, and 12:

Claims 2, 3, 7, and 12 stand rejected under 35 USC §103(a) as being unpatentable over Hatch in view of US patent 6,362,936 to Inoue et al. (hereinafter "Inoue"). Applicant hereby respectfully traverses these rejections.

Each of dependent claims 2, 3, 7, and 12 depends from an independent claim that requires a load beam surface "that faces and contacts" a second surface of a hinge.

In contrast, the load beam 12 of Inoue does not have any surface that "faces and contacts" a surface of hinge 45. Although a surface of gimbal 14 in Inoue faces and contacts a surface of loadbeam 12, neither Inoue nor Hatch discloses an overlapping assembly of hinge and loadbeam sub-components, such that a surface of the loadbeam could "face and contact" a surface of the hinge.

Since the aforementioned claim limitation is absent in both references, combination of the references does not cure such absence, and therefore the combination of references fails to properly support the claim rejections under 35 USC §103(a). For at least this reason, applicant hereby respectfully requests that the rejections be withdrawn and that claims 2, 3, 7, and 12 be allowed.

Claims 4 and 13:

Claims 4 and 13 stand rejected under 35 USC §103(a) as being unpatentable over Hatch in view of US patent 6,181,521 to Yonemura et al. (hereinafter "Yonemura"). Applicant hereby respectfully traverses these rejections.

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As a preliminary matter, it is not proper to combine the teachings of Hatch and Yonemura, because the combination would clearly defeat at least one of the objectives of Hatch. The teachings of Hatch mention the importance of stability after the slider is loaded "into flying position." See US Patent 5,471,734 at column 4, lines 51-52. An expressly-disclosed objective of Hatch is "to provide a load beam structure which eliminates torsional coupling between the load beam support arm and the read/write head ...". See *Id.* at column 4, lines 24-26. In direct contrast, Yonemura is directed to providing a suspension for a contact-type slider, where coupling between the load beam support arm and the read/write head is encouraged to control a pitch angle of the contact-type slider. See Yonemura at column 3, lines 21-24. See also *Id.* At column 5, lines 13-16. These teachings and objectives of Hatch and Yonemura are mutually exclusive and fundamentally opposed, and therefore the references themselves can not be viewed as providing a motivation to combine the references.

For at least the foregoing preliminary reason, a combination of the Hatch and Yonemura references fails to properly support any claim rejections under 35 USC §103(a).

Moreover, even if the combination of the Hatch and Yonemura references could somehow be viewed as proper, the combination of these references would still fail to properly support the rejections of claims 4 and 13 because these claims each depend from an independent claim that requires a load beam surface "that faces and contacts" a second surface of a hinge.

The load beam 1 of Yonemura does not have any surface that "faces and contacts" a surface of hinge. Neither Yonemura nor Hatch discloses an overlapping assembly of hinge and loadbeam sub-components, such that a surface of the loadbeam could "face and contact" a surface of the hinge.

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Since the aforementioned claim limitation is absent in both references, combination of the references does not cure such absence, and therefore the combination of references fails to properly support the claim rejections under 35 USC §103(a).

For at least the foregoing reasons, applicant hereby respectfully requests that the rejections be withdrawn and that claims 4 and 13 be allowed.

Claim 8:

Claim 8 stands rejected under 35 USC §103(a) as being unpatentable over Hatch in view of Inoue and further in view of Yonemura. Applicant hereby respectfully traverses this rejection.

As a preliminary matter, it is not proper to combine the teachings of Hatch and Yonemura for the reasons that have been described in detail earlier in these remarks. For at least this preliminary reason, a combination of the Hatch, Inoue, and Yonemura references can not properly support claim rejections under 35 USC §103(a).

Moreover, even if the combination of the Hatch, Inoue, and Yonemura references could somehow be viewed as proper, the combination of these references would still fail to properly support the rejection of claim 8 because that claim depends from an independent claim that requires a load beam surface "that faces and contacts" a second surface of a hinge. However, neither Yonemura nor Inoue nor Hatch discloses an overlapping assembly of hinge and loadbeam sub-components, such that a surface of the loadbeam could "face and contact" a surface of the hinge.

Since the aforementioned claim limitation is absent in all three references, combination of the references does not cure such absence, and therefore the combination of references fails to properly support the claim rejection under 35 USC §103(a).

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For at least these reasons, applicant hereby respectfully requests that the rejection be withdrawn and that claim 8 be allowed.

Claim 14:

Claim 14 stands rejected under 35 USC §103(a) as being unpatentable over Hatch in view of US Patent 5,898,543 to Jagt et al. (hereinafter "Jagt"). Applicant hereby respectfully traverses this rejection.

As a preliminary matter, it is not proper to combine the teachings of Hatch and Jagt, because the Jagt reference explicitly teaches away from the proposed combination. Specifically, the Jagt reference explicitly cites and distinguishes the Hatch reference as being an example of prior art that teaches a "single" curve side profile (or preformed bend), and then touts its own advantage (minimization of torsional gains) "in situations that are unattainable with a single preformed bend." *See* US Patent 5,898,543 at column 4, lines 6-25.

Such teachings of Jagt expressly discourage reliance upon the teachings of Hatch, and therefore the references themselves can not be viewed as providing a motivation to combine the references. For at least this preliminary reason, a combination of the Hatch and Jagt references fails to properly support any claim rejections under 35 USC §103(a).

Moreover, even if the combination of the Hatch and Jagt references could somehow be viewed as proper, the combination of these references would still fail to properly support the rejection of claim 14 because claim 14 requires that "the third radius is greater than the second radius." In contrast, Jagt does not teach that a third radius is greater than a second radius. On the

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contrary, the radius of curvature of the second preformed bend 50 in Jagt is depicted to be less than the radius of curvature of the first preformed bend 48, in Figure 5 of Jagt.

The angle of a preformed bend is a fundamentally different concept than the bend's radius. Even if the second preformed bend 50 in Jagt were just a slight bend (i.e. changing the angle of the profile of the suspension assembly 10 by only by a small amount) such a slight bend might well have a small and tight radius of curvature. For example, a sharp fold or crease having a very small radius of curvature might change the angle of the suspension assembly by only a small angle. In this case, there is simply no teaching or disclosure in the Jagt reference of a third radius of curvature being greater than a second radius of curvature; indeed the drawing in Jagt Figure 5 depicts the opposite.

Since the radius of curvature inequality is absent in both references, combination of the references does not cure such absence, and therefore the combination of references fails to properly support the claim rejections under 35 USC §103(a).

The combination of the Hatch and Jagt references also fails to properly support the rejection of claim 14 because claim 14 depends from an independent claim that requires a load beam surface "that faces and contacts" a second surface of a hinge. In contrast, neither Hatch nor Jagt discloses an overlapping assembly of hinge and loadbeam sub-components, such that a surface of the loadbeam could "face and contact" a surface of the hinge.

Claims 5, 9, and 10:

In the 19OCT05 Office Action, claims 5, 9, and 10 were each objected to as being dependent upon a rejected base claim, but claims 5, 9, and 10 were deemed otherwise allowable (if rewritten in independent form). In this response, the rejections of such base claims have been traversed, and if such traversals are successful, then the objections to claims 5, 9, and 10 will

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have been overcome without amendment because claims 5, 9, and 10 will no longer depend from rejected base claims.

For at least the aforementioned reasons, all pending claims are now allowable. If any unresolved issues remain, please feel free to contact the undersigned attorney at (949) 672-6119.

The Commissioner is authorized to charge any fees which may be required to Deposit Account 23-1209, referencing Docket No. K35A1056.

Respectfully submitted,

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